

# ROCHESTER AREA

## CHAMBER OF COMMERCE

BEFORE THE SURFACE TRANSPORTATION BOARD  
FINANCE DOCKET NO. 33407

DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION  
CONSTRUCTION INTO THE POWDER RIVER BASIN



### COMMENTS OF ROCHESTER AREA CHAMBER OF COMMERCE ON THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

Pursuant to the schedule adopted by the Surface Transportation Board ("STB") or "Board"), the Rochester Area Chamber of Commerce ("RACC") submits its comments on the April 15, 2005 Draft Supplemental Environmental Impact Statement ("DSEIS").

#### COMMENTS

RACC has reviewed the comments filed on the DSEIS by the City of Rochester ("Rochester") and Mayo Foundation ("Mayo"). RACC supports the following points made by Rochester and Mayo in their comments:

1. The Section of Environmental Analysis ("SEA") should consider, in an amended DSEIS, whether ordering DM & E to route all or some of its PRB related coal traffic on its new IMRL lines is a viable alternative to routing the PRB related traffic from Owatonna on the existing route through Rochester and Winona. The IMRL alternative route appears to address not only the substantial adverse impact the proposed project would have on Rochester and Mayo but also appears to provide a more effective and efficient route to DM&E's primary markets. As required by the National Environmental Protection Act and consistent with the 8<sup>th</sup> Circuit Court of Appeals decision, SEA should prepare an analysis comparing the environmental impacts of using this new alternative route compared to the proposed route through Rochester.
2. The FSEIS should clarify SEA's intent that the minimal relief previously provided for noise should be determined based on the total number of trains (coal and other) DM & E operates, not solely on the number of tons of coal transported.
3. The FSEIS should clarify that previously ordered grade separations are unlikely to have a significant impact on horn noise in Rochester.
4. The FSEIS should recommend mitigation for sensitive receptors experiencing noise of at least 70 DBA Ldn (e. g. wayside noise or wayside/horn noise) or should explain why receptors experiencing some types of noise, but not horn noise alone, should receive mitigation.

#### CONCLUSIONS

The DSEIS analysis and conclusions should be revised to reflect the substantive revisions recommended above.

Respectfully submitted,

Rochester Area Chamber of Commerce

By: John Wade, President

June 2, 2005